

REMARKS

With entry of the amendment, claims 1-55 are pending in the application. Claims 1-29, 48, 50, 51, 53, and 54 are rejected on new grounds, and claims 30-47, 49, 52, and 55 are withdrawn from consideration. The previous Office Action indicated that claims 31-34 were under consideration. Applicants request clarification of the status of those claims.

The Examiner indicated that the rejections made in the previous Office Action (Paper 13) under 35 U.S.C. 112, second paragraph, 35 U.S.C. 101 (double patenting), 35 U.S.C. 102(e), and 35 U.S.C. 103(a) were expressly withdrawn, and the rejection of claims under 35 U.S.C. 102(b) over Frazier et al. was not reasserted.

In view of the amendments above and the arguments below, Applicants respectfully request reconsideration on the merits of the application and allowance of the claims.

Amendments to the claims

Applicants respectfully assert that the claim amendments, summarized below, introduce no new matter and do not necessitate a new search.

Claims 1, 2, 15, 16, and 53-55 were canceled.

Claims 3 and 4, which previously depended directly from claim 2 and indirectly from claim 1, were rewritten as independent claims to include the limitations of claims 1 and 2. Support for the amendments are found in original claims 1, 2, and 3, and claims 1, 2, and 4, respectively. Claims 5-7, 9, and 10, which previously depended from claim 2, have been amended to depend from claim 4.

Claims 17 and 18, which previously depended directly from claim 16 and indirectly from claim 15, have been rewritten to depend from claims 3 and 4, respectively, and to include the limitations of claims 15 and 16. Claims 19-22, previously dependent from claim 15, have been amended to depend from claim 18. Claims 19-22 and 24-27, which previously depended from claim 15 or 16 have been amended to depend from claim 18.

Claim 29 has been amended to delete reference to the non-elected species (MONO-11). Support is found, for example, in claim 29 as originally filed. Claim 30, which depends from claim 29, has been amended to recite primer selected from SEQ ID NO:7 and SEQ ID NO:8. Support is found in the claim as originally filed.

Objection to the specification

The Examiner has objected to the inclusion of the hyperlink at page 27, line 6. Applicants have amended the specification to delete the hyperlink. The amendment introduces no new matter.

Allowable claims

The Examiner indicated that claim 30, if amended to recite SEQ ID NO:7 and SEQ ID NO:8, would be allowable. Applicants have amended claim 30 to recite only SEQ ID NO:7 and SEQ ID NO:8. Support for the amendment is found, for example, in claim 30 as originally filed.

Rejections under 35 U.S.C. 101 double patenting

Claims 1-29 and 48-54 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-15, 17-24, and 41-56 of copending Application No. 10/314,810. Upon allowance of the claims in the instant application, Applicants will submit a preliminary amendment in Application No. 10/314,810 amending or canceling the claims so that they are not coextensive in scope with the allowed claims of the instant application.

Rejections under 35 U.S.C. 103(a)

Claims 1, 2, 10-14, 15-16, 24-28 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier et al. (Oncology Reports 6:497-505, 1999) in view of Dau et al. (U.S. Patent No. 6,531,282).

Applicants have canceled claims 1, 2, 15, 16, and 53, rendering moot the rejection of those claims. Claims 10-14, which previously depended from claim 1, have been amended to

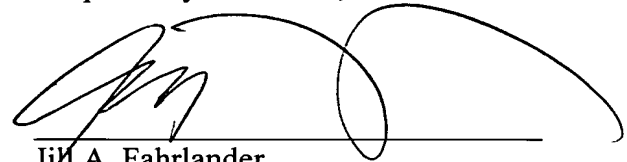
depend from claim 4. Claims 24-28, which previously depended from claim 15, have been amended to depend from claim 17, which in turn was amended to depend from claim 3 and to include the limitations of claim 15.

Because claims 10-14 and 24-28 depend and further limit claims that are not rejected on this basis, the claims are not obvious over the combination of Frazier et al. and Dau et al. Applicants respectfully request withdrawal of the rejection and allowance of the claims.

As the application is now in condition for allowance, Applicants respectfully request withdrawal of the rejections and allowance of the claims. This response is being filed within four months of the mailing date of the Office Action, and is accompanied by a petition for a one-month extension of time and check number 50032 in the amount of \$110.00 for the one-month extension of time fee. No other fees are believed due in connection with this submission. If any additional fees are due, please charge such fee to Deposit Account No. 50-0842.

Applicants invite the Examiner to contact the undersigned should he require further clarification concerning this response.

Respectfully submitted,



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